

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YOEL WEISSHAUS,

Plaintiff,

11 Civ. 6616 (RKE)

-against-

ORDER

PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.

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ORDER

The parties are instructed to alert the Court by letter dated no later than June 3, 2021, of their availability for a conference call during the week of June 7, 2021, for purposes of discussing the substance of the attached Proposed Order.

IT IS SO ORDERED.

/s/ Richard K. Eaton

Richard K. Eaton
U.S.D.J., by Designation

Dated: June 2, 2021
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YOEL WEISSHAUS,

Plaintiff,

11 Civ. 6616 (RKE)

-against-

PROPOSED ORDER

PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.

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PROPOSED ORDER

On June 25, 2020, the Court converted Defendant's motion to dismiss for failure to state a claim to one for summary judgment on Plaintiff's sole remaining claim that revenue from a toll increase implemented in 2011 was used for projects not functionally related to the Interstate Transportation Network, ECF No. 82.

Thereafter, the Court issued several orders scheduling discovery, but reserved judgment on Plaintiff's most recent request for an extension of time, ECF No. 88, in anticipation of Plaintiff's first motion to compel, filed October 16, 2020, ECF No. 92.

Since the filing of Plaintiff's motion, Plaintiff has received responses to his approved interrogatories, ECF No. 104-1, as well as the "entire document production" made by Defendant to AAA in a previous proceeding, *AAA Northeast et al. v. The Port Authority*, No. 11-6746, ECF No. 95. Further, Plaintiff deposed Defendant's designated Rule 30(b)(6) witness, Michael Fabiano, on May 3, 2021.

Accordingly, the Court denies Plaintiff's motion for an extension of time, ECF No. 88, and directs that the remaining discovery, and summary judgment briefing, shall proceed as follows:

1. Additional interrogatories and document demands, if any, to be submitted to the Court for approval by July 16, 2021;
2. Subpoenas of additional Port Authority witnesses whom Plaintiff intends to depose issued by August 20, 2021;
3. All fact discovery to be completed by October 8, 2021;
4. Joint statement of material facts not in dispute, including a joint definition of "tolls," due by November 30, 2021;
5. Plaintiff's cross-motion for summary judgment, if any, due by December 17, 2021;
6. Defendant's brief in support of summary judgment and in response to Plaintiff's cross-motion, if any, due by January 14, 2022;
7. Plaintiff's response brief due by February 18, 2022;
8. Defendant's reply due by March 25, 2022.

Richard K. Eaton, Judge

Dated: June 2, 2021
New York, New York